

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:	)	Chapter 11
	)	
MIAMI METALS I, INC., <i>et al.</i> , <sup>1</sup>	)	Case No. 18-13359 (SHL)
	)	
Debtors.	)	(Jointly Administered)
	)	

**NOTICE OF DEBTORS AND THE SENIOR LENDERS' JOINT MOTION  
FOR SUMMARY JUDGEMENT AS TO BUCKET 3, 4 AND 5 CUSTOMERS**

**THIS MOTION SEEKS TO EXPUNGE CERTAIN CUSTOMER STATEMENTS.  
CUSTOMERS RECEIVING THIS MOTION SHOULD LOCATE THEIR NAMES  
AND CLAIMS ON EXHIBIT A ATTACHED HERETO.**

**IF YOU HAVE QUESTIONS, PLEASE CONTACT THE DEBTORS'  
COUNSEL, AKERMAN LLP, AT (214) 720-4300.**

**PLEASE TAKE NOTICE** that upon the accompanying (i) Memorandum of Law in Support of Debtors and Senior Lenders' Joint Motion for Summary Judgment as to Bucket 3, 4 and 5 Customers; (ii) Declaration of Scott Avila; and (iii) Debtors and Senior Lenders' Joint Statement of Mutual Undisputed Facts pursuant to Local Bankruptcy Rule 7056-1, the Debtors and the Senior Lenders (the "Movants"), by and through their undersigned counsel, will move this Court before the Honorable Sean H. Lane, United States Bankruptcy Judge, in the United States

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, include: Miami Metals I, Inc. (f/k/a Republic Metals Refining Corporation), 15 West 47th Street, Suites 206 and 209, New York, NY 10036 (3194); Miami Metals II, Inc. (f/k/a Republic Metals Corporation), 12900 NW 38th Avenue, Miami, FL 33054 (4378); Miami Metals III LLC (f/k/a Republic Carbon Company, LLC), 5295 Northwest 163rd Street, Miami Gardens, FL 33014 (5833); Miami Metals IV LLC (f/k/a J & L Republic LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7604); Miami Metals V LLC (f/k/a R & R Metals, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (7848); Miami Metals VI (f/k/a RMC Diamonds, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (1507); Miami Metals VII (f/k/a RMC2, LLC), 12900 NW 38th Avenue, Miami, FL 33054 (4696); Miami Metals VIII (f/k/a Republic High Tech Metals, LLC), 13001 NW 38 Avenue, Miami, FL 33054 (6102); Republic Metals Trading (Shanghai) Co., Ltd., 276 Ningbo Road, Huangpu District, Shanghai, P.R. 200001 China (1639); and Republic Trans Mexico Metals, S.R.L., Francisco I. Madero No. 55 Piso 5, Local 409, Centro Joyero Edificio Central, Delegación Cuauhtémoc, Mexico DF 6000 (2942).

Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, on *a date to be determined*, for entry of an order, pursuant to Rule 56 of the Federal Rules of Civil Procedure, made applicable to this contested matter pursuant to 7056 of the Federal Rules of Bankruptcy Procedure: (i) finding that: (a) the Disputed Assets constitute property of the Debtors' bankruptcy estates; and (b) the Bucket 3, 4 and 5 Customers<sup>2</sup> lack any ownership interests in the Disputed Assets; (ii) dismissing all Bucket 3, 4 and 5 Claims with prejudice; and (iii) granting such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a status conference on **July 2, 2019, at 11:00 a.m. (ET)** to set a hearing date and time and an objection deadline, and consider additional briefing and hearing schedules. The Movants will notify all parties entitled to receive notice of the hearing objection deadlines and, if considered, additional briefing and hearing schedules established by the Court.

**[SIGNATURE PAGE TO FOLLOW]**

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<sup>2</sup> A list of the Bucket 3, 4 and 5 Customers is attached hereto as **Exhibit A**.

Dated: New York, New York  
June 21, 2019

**LUSKIN, STERN & EISLER LLP**

/s/ Michael Luskin

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Respectfully submitted,

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*Counsel for Debtors and Debtors-in-Possession*

## **EXHIBIT A**

### **Bucket 3, 4 and 5 Customers**

<b>Dkt No.</b>	<b>Bucket 3</b>
471	Argonaut Gold Inc. Compania Minera Pitalla, S.A. de C.V. Minera Real de Oro S.A. de C.V.
460	First Majestic Silver Corp. Nusantara de Mexico S.A. de C.V. Primero Empresa Minera, S.A. de C.V.
464	Pretium Exploration Inc.

<b>Dkt No.</b>	<b>Bucket 4</b>
470	Coeur Mining, Inc. Coeur Mexicana S.A. de C.V. Coeur Rochester, Inc.

<b>Dkt No.</b>	<b>Bucket 5</b>
451	Premier Gold Mines Limited
485	Yamana Gold Inc. (Jacobina Mine) (Cerro Moro Mine)
447	Minas de Oroco Resources, S.A. de C.V.